

AM0941
LB 269
DCC-03-24

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AMENDMENTS TO LB 269

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Sections 1 to 8 of this act provide a
4 procedure for judicial emancipation of minors.

5 Sec. 2. A minor who is at least sixteen years of age,
6 married, or living apart from his or her parents or legal guardian,
7 and who is a legal resident of the county, may by his or her legal
8 guardian or next friend file a complaint in the district court of
9 that county for a judgment of emancipation.

10 Sec. 3. (1) A complaint for emancipation shall state:

11 (a) The name, age, and address of the minor;

12 (b) The names and addresses of the parents of the minor;

13 (c) The name and address of any legal guardian of the
14 minor;

15 (d) If no parent or legal guardian can be found, the name
16 and address of the child's nearest known relative residing within
17 this state;

18 (e) That the minor is seeking a judgment of emancipation;
19 and

20 (f) That the minor willingly lives apart from his or her
21 parents or legal guardian with the consent or acquiescence of the
22 parents or legal guardian.

23 (2) If any of the facts required by this section are not
24 known, the complaint shall so state.

1 Sec. 4. A notice of filing, together with a copy of the
2 complaint for emancipation, shall be served upon:

3 (1) The parents or legal guardian of the minor or, if the
4 parents or legal guardian cannot be found, the nearest known
5 relative of the minor residing within the state, if any;

6 (2) The legal custodian of the minor, if any;

7 (3) The appropriate probation officer for his or her
8 review and recommendation, if the minor is a ward of the court; and

9 (4) The county attorney of the county in which the matter
10 is to be heard.

11 Sec. 5. In making its determination regarding the
12 complaint for emancipation, the court shall consider: Whether the
13 parents or legal guardian of the minor have consented to
14 emancipation; whether the minor is substantially able to support
15 himself or herself without financial assistance; whether the minor
16 is sufficiently mature and knowledgeable to manage his or her
17 affairs without the guidance of parents or legal guardian; and
18 whether emancipation is in the best interest of the minor. The
19 court shall advise the minor of the consequences of emancipation.

20 Sec. 6. (1) If the court determines that emancipation
21 should be granted, it shall enter a judgment of emancipation. Such
22 judgment emancipates the minor for all purposes and removes the
23 disability of minority insofar as that disability may affect:
24 Incurring indebtedness or contractual obligations of any kind;
25 acquiring, encumbering, and conveying property or any interest
26 therein; the litigation and settlement of controversies; consenting
27 to medical, dental, or psychiatric care without parental consent,

1 knowledge, or liability; enrolling in any school or college; and
2 establishment of his or her own residence. For these purposes, the
3 minor shall be considered in law as an adult and any obligation he
4 or she incurs is enforceable by and against such minor without
5 regard to his or her minority.

6 (2) Unless otherwise provided by the judgment for
7 emancipation, the obligation of support otherwise owed a minor by
8 his or her parent or legal guardian is terminated by the entry of
9 the judgment.

10 Sec. 7. A judgment of emancipation does not affect the
11 status of the minor for purposes of any provision of law which:

12 (1) Prohibits the sale, purchase, or consumption of
13 intoxicating liquor to or by a person under twenty-one years of
14 age;

15 (2) Prohibits gaming or employment in gaming by or of a
16 person under twenty-one years of age;

17 (3) Restricts the ability to marry a person under the age
18 of seventeen years of age; or

19 (4) Governs matters relating to juveniles.

20 Sec. 8. A complaint may be filed by any person or by any
21 public agency to void a judgment of emancipation on the following
22 grounds:

23 (1) The minor has become indigent and has insufficient
24 means of support; or

25 (2) The judgment of emancipation was obtained by fraud,
26 misrepresentation, or the withholding of material information.".